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Committee on the Elimination of Racial Discrimination
Eighty-ninth session

Summary record of the 2435th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 4 May 2016, at 10 a.m.

Chair: Ms. Crickley

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined seventh to ninth periodic reports of Azerbaijan (continued) (CERD/C/AZE/7-9 and CERD/C/AZE/Q/7-9)

1. *At the invitation of the Chair, the delegation of Azerbaijan took places at the Committee table.*

2. **Mr. Safikhanli** (Azerbaijan) said that the rights and freedoms of all ethnic groups were regulated by the national Constitution and legislation. The Government upheld the principles of unity and diversity. The Office of the Commissioner for Human Rights (Ombudsman) was an independent body, established under the Constitution. In its role as the national human rights institution, it had been awarded "A" accreditation status by the Global Alliance of National Human Rights Institutions (formerly the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights). All persons resident in Azerbaijan, including stateless persons and asylum seekers, could file complaints of violations of human rights with the Ombudsman, regardless of nationality, ethnic origin, religious affiliation or language.

3. The Ombudsman had run a number of campaigns to raise awareness of the Convention, put forward proposals designed to promote religious tolerance, held regular meetings with representatives of ethnic minority groups, opened regional centres in areas with large ethnic minority populations and signed cooperation agreements with 14 ombudsman institutions in other countries. The National Action Programme of the Republic of Azerbaijan on increasing efficiency in the protection of human rights and freedoms defined measures needed to improve the legal framework and the activities of State bodies for the protection of rights enshrined in the international conventions to which Azerbaijan was a party. Responsibility for implementing the Programme was shared between 43 different government bodies, including the Cabinet of Ministers, the Office of the General Prosecutor and a number of other national and local executive authorities. Parliamentarians and representatives of local authorities, law enforcement agencies, the judiciary, non-governmental organizations (NGOs), the media and ethnic minority groups took part in public hearings on the promotion and application of the Programme. Reports on progress made in implementing the Programme were posted on the website of the Ombudsman.

4. In collaboration with civil society groups, NGOs, the media and local authorities, the Ombudsman organized events to celebrate the International Day for Tolerance and to promote human rights, peace, the elimination of discrimination and preservation and development of the cultural heritage of ethnic minorities. The Ombudsman had also campaigned for Azerbaijan to become a party to the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization and Protocols 12 and 14 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Ombudsman worked with the Office of the United Nations High Commissioner for Human Rights to raise awareness of the Convention in regions with significant ethnic minority populations.

5. Armenian nationals who were citizens of Azerbaijan could file complaints with the Ombudsman, which carried out the corresponding investigations. In addition, Armenian nationals currently resident in third countries and formerly resident in Azerbaijan could request the Ombudsman to provide documents relating to issues such as pension rights. It was vital to combat discrimination against migrants and refugees, Islamophobia and hate crimes, while promoting, intercommunal harmony, conflict prevention, post-conflict

rehabilitation and the safe and dignified return of refugees and displaced persons to their homes.

6. **Ms. Mammadaliyeva** (Azerbaijan) said that women made up the majority of the staff of a number of government ministries and agencies and the diplomatic service. Women also ran several State committees and higher education institutions, and the deputy prime minister of one autonomous region was a woman. In total, 16 per cent of members of the Milli Mejlis (National Assembly) were women, as were the heads of a number of working groups on international and regional relations and cultural and social issues. In the field of science, women made up almost half of all PhD candidates and around half of the workforce.

7. There were more than 20 cultural centres for ethnic minorities in Baku, in addition to three theatre companies which performed in minority languages, including Russian, Lezghian and Georgian. Festivals celebrating minority cultures were organized and measures had been taken to promote the music of ethnic minorities.

8. **Mr. Mammadli** (Azerbaijan) said that around 96 per cent of the population of Azerbaijan was Muslim, with the remaining 4 per cent being made up of Orthodox Christians, Catholics, Protestants of various denominations, Jews, Baha'is and Krishna. There were more than 700 Muslim religious communities and 34 non-Muslim religious communities registered in Azerbaijan. In order to register a religious community with the State Committee on Religious Associations, applicants must provide their names, titles and information on their religious affiliation. Muslim groups must obtain an official certificate issued by the Caucasus Muslim Board attesting to the nature of their communities. Christian and other faith groups must submit similar documents proving that they were affiliated with communities of the same religion based abroad. The Government provided registered minority religious communities with financial support. In the previous four years, Jewish communities, for example, had received approximately 300,000 Azerbaijani manats. All faiths were equal before the law and, although the majority of Azerbaijanis were Muslim, no religion was considered dominant.

9. **Mr. Gurbanov** (Azerbaijan) said that discrimination in education was prohibited under article 42 of the Constitution and that all persons had the legal right to education and to use their mother tongue. A number of schools and institutions of higher education provided education in both minority languages and Azeri. Minority language lessons were provided in regions with large ethnic minority populations. Dictionaries, teaching manuals and school textbooks had been published in a number of minority languages. The national authorities had made significant efforts to provide secondary and higher education and educational infrastructure for persons who had fled the occupied region of Nagorno-Karabakh. Higher education was provided free of charge to internally displaced persons meeting the relevant requirements.

10. In total, 88 persons of African origin were currently enrolled at insitutions of higher education in Azerbaijan. A special commission had been set up to determine the academic level of migrant children, over 300 of whom were currently studying at secondary schools in the country. In total, 81.6 per cent of all teachers were women, with the figure standing at 53 per cent in institutions of higher education. Approximately 55 per cent of current trainee magistrates were women.

11. The Ministry of Education had organized a number of activities aimed at promoting cultural diversity as part of the year of multiculturalism. Readings and art competitions relating to multiculturalism were taking place in secondary schools, and multiculturalism departments had been established in higher education institutions.

12. **Mr. Khalafov** (Azerbaijan) said that the efforts to promote multiculturalism and preserve the country's cultural, religious and ethnic diversity were a work in progress. The dialogue with the Committee would doubtless help to further those efforts.

13. **Mr. Zalov** (Azerbaijan) said that Azerbaijan had been a party to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children since 2003. In 2005, the Law on Combating Trafficking in Persons had been adopted. A national coordinator had been appointed in 2016 to combat human trafficking, and a coordination council had been established by decision of the Cabinet of Ministers. The council was composed of representatives of 27 different government departments and ministries, in addition to representatives of NGOs and the mass media. The national coordinator reported to parliament on an annual basis.

14. Efforts were being made to improve domestic legislation on human trafficking in line with the relevant international conventions. A relief fund for victims of human trafficking and a national mechanism for the social rehabilitation of victims had been put in place, as had a programme to eliminate social problems that created circumstances conducive to human trafficking. Norms were in place to ensure transparency in the management of resources intended for victims of human trafficking, and steps had been taken to involve NGOs in the work carried out by victim support agencies and in efforts to protect migrant workers.

15. Draft legislation had been put forward regarding the criminal prosecution of perpetrators of human trafficking, the length of stay permitted to foreign victims while their cases were being investigated and the protection of women and children particularly at risk of human trafficking. The third National Plan of Action to Combat Trafficking in Persons, which covered the period 2014-2018, was multifaceted in nature, comprising 14 areas of work; social rehabilitation of victims and protection of their rights were particular focuses.

16. The number of criminal cases involving human trafficking had risen by 22 per cent from 2014 to 2015; 38 people had been prosecuted. Victims from a number of countries, including Turkey and the United Arab Emirates, had been repatriated. All victims were provided with assistance as needed. Some received financial support, others were given jobs or placed in vocational courses, while others were accommodated in victim shelters or social protection centres where they obtained legal and psychological help.

17. **Mr. Musayev** (Azerbaijan) said that more than 3000 NGOs were registered in Azerbaijan. Over 500 of them were devoted to the defence of human rights, approximately 50 dealt with issues relating to ethnic minorities and some 130 promoted the rights of women. A strong legal base existed to regulate their activities. The Council on State Support to Non-Governmental Organizations had been established to provide funding for activities in various areas. NGOs also received funding from national and foreign donors.

18. A number of actions had been taken in recent years to promote the development of civil society institutions. For example, in 2014 a law had entered into force on public participation in policymaking and decision-making at the national and local level. The goal was to involve citizens in managing State affairs, to ensure public monitoring of activities carried out by central and local authorities and to organize public hearings and discussions. Such events were held on a monthly basis for citizens across Azerbaijan, including in regions with large ethnic minority populations. The Minister of Justice had met with citizens in 35 regions in the previous three years and had not received a single complaint regarding the rights of ethnic minorities. In addition, a public committee operated under the Ministry of Justice; its members included 11 well-known human rights defenders, several of whom represented ethnic minorities.

19. **Ms. Hohoueto** said that she would like further clarification regarding offences against national dignity. How was the offence defined under the Criminal Code? She would also like more information on the Muslim religious communities in Azerbaijan. She did not understand how there could be 700 communities of a single religion and asked for clarification on what the State party classed as a religious community.

20. **Mr. Avtonomov**, noting that a Latin alphabet had recently been adopted for the Azeri language, enquired whether national minorities that wished to maintain the Cyrillic alphabet would be able to do so. He commended the State party's efforts to promote bilingualism through television broadcasts in languages other than Azeri.

21. **Mr. Musayev** (Azerbaijan) said that, under the Criminal Code, certain circumstances were considered aggravating factors. If a crime was motivated by national, ethnic or religious hatred, for example, the punishment would be harsher. Such provisions were in line with the Convention.

22. **Mr. Mammadli** (Azerbaijan) said that, according to unofficial statistics, 65 per cent of all Muslims in Azerbaijan were Shia and 35 per cent were Sunni. The 700 Muslim communities comprised adherents of five or six different schools of Islamic thought. Those communities were religious organizations that operated like other NGOs, but were registered with the State Committee for Work with Religious Organizations rather than with the Ministry of Justice.

23. **Mr. Gurbanov** (Azerbaijan) said that speakers of a particular language would not have to adopt the Latin alphabet unless they wished to do so. He did not believe that any group had chosen that option thus far.

24. **Mr. Musayev** (Azerbaijan) said that a significant reform of the judicial system had been undertaken in order to make the system more transparent and increase its independence. A Judicial Council had been established, made up of representatives of the three branches of government, including nine judges and representatives of the prosecution service and the Bar Association. It served as an independent body for judicial self-management. In cooperation with the Council of Europe, a transparent system for the appointment of judges had also been set up. Judges were appointed on the basis of recommendations from a selection committee made up mostly of other judges. Candidates for a position as judge had to undergo specialized training, take a written exam and undergo an interview. More than 60 per cent of currently serving judges had been appointed by means of the new selection procedure. In order to further strengthen the impartiality of judges, their salaries, which had greatly increased since the country's independence, were set by law and had not been reduced despite the recent economic crisis. The reform of the Azerbaijani judicial system had been cited by the Council of Europe as an example of best practice in that area.

25. The judicial infrastructure was also being modernized. Currently, 11 ultramodern courts were functioning and 10 more were being equipped; they had the latest electronic technology, documents provided in electronic form and modern sound and video recording systems, including for remote testimony by witnesses. Staffing had likewise changed: whereas in the past there had been few judges and large numbers of support staff, the number of judges had doubled and each judge had one assistant. Support staff received specialized training; 3.5 per cent of court staff were from minority groups

26. Great emphasis had been put on fighting corruption. The National Action Plans on Open Government and the Fight against Corruption (2012-2015) had been adopted in September 2012. A code of ethics for judges had also been adopted. Citizens could call a telephone hotline to report corruption; all allegations of corruption were thoroughly investigated and severe penalties imposed if the allegation was confirmed. Several judges

had been investigated and dismissed on grounds of corruption. According to recent surveys, the various reforms had increased public confidence in the integrity of the judicial system.

27. **Mr. Sadiqov** (Azerbaijan) said that article 7 of the Law on the Status of Refugees and Internally Displaced Persons defined the conditions for the treatment and integration of those groups. The State Migration Service was responsible for the social protection and integration of migrants and stateless persons. It was the competent authority for the issuance of temporary residence permits based on the procedures and criteria outlined in article 77 of the Migration Code. Numerous ministries were involved in meeting the needs of migrants, as were local authorities. The Government was mindful of international norms relating to the treatment of migrants. The State Migration Service operated training centres for foreign migrants and stateless persons, where they could learn Azeri and familiarize themselves with Azerbaijani history, culture and law and with their rights. Any incidents of racial discrimination or intolerance could be reported to the Migration Service.

28. Migrants, including refugees, internally displaced persons and stateless persons, had the right to receive housing, education and health care and to seek employment once authorized to do so. They had the same health-care rights and received the same quality of care as Azerbaijani citizens. Applicants for refugee status could be housed in a temporary accommodation centre for up to three months while awaiting a decision on their application. Residents of the centres were provided with room and board, medical and psychological care and facilities for leisure and sports activities. Persons granted refugee status and internally displaced persons were eligible for a housing subsidy and a reduction of certain taxes for up to 10 years.

29. In 2014 and 2015, respectively, the State Migration Service had issued 51,366 and 53,954 temporary residence permits, as well as 1,859 and 2,640 permanent residency permits. Also in 2014 and 2015, respectively, 12,000 and 11,230 migrants and stateless persons had been issued work permits. In 2014, 202 foreigners (399 counting their family members) had applied for refugee status, which had been granted to 2 applicants (5 including family members).

30. **Mr. Khalaf** said that he remained confused about the 705 Muslim communities in Azerbaijan, which the delegation had likened to NGOs. Could the delegation explain further what was meant by "religious community"? He noted that article 18 of the Constitution established the separation of church and State. He wondered whether that meant a particular religion or church or all religions. He asked whether the State party intended to establish a separate national human rights institution in addition to the Commissioner for Human Rights (Ombudsman). Lastly, he asked for concrete examples of the progress made in the State party to eliminate racial discrimination following the adoption of new laws and measures in that regard; he also asked how that progress was measured.

31. **The Chair** pointed out that the Office of the Commissioner for Human Rights, or Ombudsman, had been recognized as the national human rights institution and had been granted "A" status by the Global Alliance of National Human Rights Institutions.

32. **Mr. Khalafov** (Azerbaijan) said that the figure of 705 simply referred to the number of Muslim groups and organizations registered with the State Committee for Work with Religious Organizations. The State did not define what constituted a religious community. The communities defined themselves. People were free to join a religious community and worship as they pleased, but no one was compelled to do so. Under the Constitution, no religion or church had special status; Azerbaijan was a secular State. While, historically, Azerbaijan had been part of the Muslim world, modern Azerbaijan was a multicultural and multi-ethnic country where all religions and their organizations and institutions were recognized by the State without discrimination.

33. Awareness-raising about human rights had been prioritized at all levels of the educational system. The National Academy of Sciences had an institute for human rights education. As for examples of progress in the promotion of human rights, in the relatively short time since independence, Azerbaijan had succeeded in creating a legal system for the protection of those rights. While there had been difficulties, especially in the early years, and more remained to be done, the Constitution and legal system reflected international standards; furthermore, the Government took very seriously the recommendations of the human rights treaty bodies.

34. **Mr. Amir** (Country Rapporteur) recalled that the Convention did not deal with religious discrimination per se; religion was only of interest to the Committee in relation to discrimination against an ethnic group, which might have a different religion from the majority of the population.

35. **The Chair** said that, to her knowledge, there was no record of any complaints of racial discrimination having been filed with the State party's courts. She wished to know how the Government intended to address that anomaly and whether it had considered introducing additional administrative and legislative provisions that might help to create conditions conducive to the filing of complaints. She also wished to know more about both the general complaints mechanism and the specific complaints mechanism available to migrants through the State Migration Service. She asked whether all judicial officials received explicit training to enable them to recognize, address and provide redress for racial discrimination. Lastly, she requested further information about the elements in the State party's human rights strategies that specifically addressed racial discrimination.

36. **Mr. Musayev** (Azerbaijan) said that, in recent years, there had been only two criminal cases involving offences motivated by racial discrimination. In his view, that low number was an indication of progress towards building a tolerant, inclusive society. National legislation set out strict punishments for offences motivated by racial discrimination, and those laws were effective in preventing such offences. Azerbaijan had one of the lowest crime rates in the region.

37. The Academy of Justice regularly held training courses for all staff of the justice system, and that training included a strong emphasis on the Convention and on other international treaties. Competitive examinations and recertification examinations for judicial officials included mandatory questions about United Nations and Council of Europe conventions. The Policy Academy and other training institutions for law enforcement officials also included instruction on international conventions as a compulsory element of their curricula.

38. **Mr. Khalafov** (Azerbaijan) said that, as far as he was aware, the authorities had not received any complaints of racial discrimination against migrants.

39. **The Chair**, pointing out that the absence of complaints was not necessarily an indicator that there was an absence of racial discrimination, said that she still wished to know more about the complaints mechanism available to victims of racial discrimination, particularly migrants, stateless persons and non-citizens.

40. **Mr. Yeung Sik Yuen** asked how it could be that there was not a single Azerbaijani who felt that it was safe to live in Armenia, while at the same time there were some 130,000 Armenians living in Azerbaijan. He asked whether that figure referred to Armenians living in the Nagorno-Karabakh region.

41. **Mr. Khalafov** (Azerbaijan) said that, historically, there had been a significant Azerbaijani population in Armenia. Indeed, Azerbaijanis had made up 42 per cent of the population of Yerevan, but during the Soviet period some 250,000 had been forcibly deported. There was no longer a single Azerbaijani left in the Nagorno-Karabakh region, as

all the Azerbaijani inhabitants of that region had been killed or forced to leave during the conflict there. That tragedy was the result of an aggressive policy of ethnic cleansing on the part of the Armenian Government, which was sowing enmity among its people and teaching schoolchildren that Azerbaijanis were their enemy. The Armenian and Azerbaijani peoples both suffered as a result.

42. **Mr. Musayev** (Azerbaijan) said that a special law had been adopted in late 2015 to regulate the handling of all types of complaints lodged by citizens. State bodies were required to give consideration to such complaints, which could be lodged by any individual regardless of ethnic or racial origin. All complaints were formally registered, and the law set out specific timelines for responding to different types of complaints.

43. **Mr. Amir** thanked the delegation for the answers it had provided on all the matters raised by the Committee, noting that the delegation had placed considerable emphasis on national unity. It had been explained that all Azerbaijani citizens were issued with the same type of passport and that there was no mention of ethnic or national origin in those passports. It had also been explained that individuals who had been imprisoned for exercising their freedom of expression had subsequently been pardoned and released, and that all persons had the right to express themselves in the media, including foreign radio and television outlets. He welcomed the information provided on women's active participation in the country's political and public life, but found it regrettable that statistical information on that subject had not been included in the State party report. While significant progress had been made towards eliminating racial discrimination in Azerbaijan, much remained to be done to ensure access to social security, health care, employment and other services for ethnic minorities, especially in rural and mountainous regions.

44. **Mr. Khalafov** (Azerbaijan) said that the dialogue with the Committee had been both constructive and interactive. He thanked the Country Rapporteur for setting a dynamic tone for the discussions and raising some important issues. He appreciated the spirit of interaction and mutual understanding that had permeated the dialogue. His delegation would convey the Committee's comments and recommendations to officials at the national level so that measures could be taken to improve the implementation of the Convention. He thanked the Committee for the opportunity to discuss the Nagorno-Karabakh conflict, which was very distressing for Azerbaijani society. He was convinced that the people on both sides wanted a swift solution to the conflict, which had been dragging on for 25 years. Any Committee member who wished to visit Azerbaijan would always be welcome to do so.

45. **The Chair** said that the Committee appreciated the fact that the State party had sent such a high-level delegation. The Committee was aware that Azerbaijan was a new nation and that it faced particular difficulties in regions of the country where the Government was not able to implement the Convention. The Committee would make its best effort to fairly assess the implementation of the Convention on the basis of all the information provided. She urged the State party to encourage NGOs working in the country to be present during the consideration of the State party's next periodic report.

The meeting rose at 12.55 p.m.